

# The 52nd Session of the International Labour Conference, June 1968

THE 52ND SESSION of the International Labour Conference was held in Geneva from 5 to 25 June 1968. It was attended by 109 of the 118 member countries of the I.L.O. The 215 Government delegates, 103 Employers' delegates and 104 Workers' delegates were assisted by over 750 advisers for the technical items on the agenda. Also present were observers from the Holy See and from Grenada and Mauritius, as well as representatives of numerous international intergovernmental and non-governmental organisations.

In addition to the annual Report of the Director-General and the regular reports concerning the budget of the Organisation and the application by member countries of international labour Conventions and Recommendations, the Conference had before it three technical items. These concerned (1) the improvement of conditions of life and work of tenants, share-croppers and similar categories of agricultural workers, (2) labour inspection in agriculture, and (3) the revision of two earlier Conventions concerning sickness insurance. The Conference adopted a Recommendation on the first of these subjects and completed a first discussion on the content of a Convention and Recommendation concerning labour inspection in agriculture and of a Convention and Recommendation concerning sickness insurance. It also adopted a number of resolutions on subjects not included in its agenda and voted the 1969 budget of the International Labour Organisation. Finally, it took note of the fourth annual report on the application of the Declaration adopted by it in 1964 concerning the policy of *apartheid* of the Republic of South Africa.

The following sections of this article describe successively the new international instrument adopted by the Conference, the annual review of the implementation of earlier Conventions and Recommendations, the Conference's first discussion of the proposed instruments regarding labour inspection in agriculture and sickness insurance, and the resolutions it adopted on questions not included in its agenda. Finally, a brief

summary is given of the debate on the Director-General's Report, the central theme of which this year was the I.L.O. and human rights, and of the Director-General's reply to the debate.<sup>1</sup>

### **Improvement of conditions of life and work of tenants, share-croppers and similar categories of agricultural workers**

Following the discussion of this question held in 1967 at the 51st Session of the Conference<sup>2</sup>, and further written consultation with governments, the Office had prepared a report containing a proposed Recommendation based on the conclusions adopted at that session and amended in the light of the governments' observations.

There was a wide measure of agreement in the Committee on Agricultural Workers set up by the Conference, especially between the Employers' and Workers' members, on most of the text of the proposed Recommendation, and only eight of its 26 paragraphs were amended in substance. Issues on which there was some difficulty in reaching agreement included: the question whether the concept of access to land, which had a very wide connotation, should be discussed in the context of an instrument designed to improve the conditions of life and work of tenants, share-croppers and similar categories of agricultural workers; the question whether contracts should necessarily be in writing, even in countries where oral contracts are customary; the general provisions in the text with respect to rent; the nature of the landowner's right to terminate a contract before its expiry; and the need to safeguard the rights of landowners in an instrument designed to improve the conditions of life and work of tenants, share-croppers and similar categories of agricultural workers. However, even in respect of these issues, compromise formulas suggested by one or other of the members of the Committee were adopted and its report, as well as the proposed Recommendation, was unanimously adopted by the Committee. The Committee's report was adopted by the Conference without a vote, and the Recommendation was adopted by 342 votes to none, with 4 abstentions. This consensus of opinion within the Committee and the Conference itself is all the more significant in view of the fact that the Recommendation is the first international instrument specifically covering non-wage-earning agricultural workers to have been adopted by the International Labour Conference.

The Recommendation approaches the problems of agricultural workers within the framework of agrarian reform. It is pointed out in the Preamble that the improvement of conditions of life and work of

<sup>1</sup> The Recommendation, resolutions and additional texts adopted by the Conference are published in *Official Bulletin* (Geneva, I.L.O.), Vol. LI, No. 3, July 1968, Supplement.

<sup>2</sup> See "The 51st Session of the International Labour Conference, June 1967", in *International Labour Review*, Vol. 96, No. 4, Oct. 1967, pp. 351-353.

tenants, share-croppers and similar categories of agricultural workers constitutes only one aspect of the problem of agrarian reform, which is of common concern to the United Nations and its specialised agencies. Stress is consequently placed on the need for close co-operation on this subject between the I.L.O., the United Nations, the Food and Agriculture Organisation (F.A.O.) and other specialised agencies. The Preamble further provides that reports received by the I.L.O. from its members under article 19 of the Constitution on the effect given to the new Recommendation will be made available to the United Nations and the F.A.O.

The Recommendation is designed to cover all agricultural workers paying rent, whether in cash, in kind, or in labour, including those paying an agreed share of produce, as well as those remunerated by a share of produce, so long as they work the land themselves or with the help of their families or with outside help within prescribed limits. It does not apply to hired workers receiving a fixed wage, who are covered by other international standards.<sup>1</sup>

Its main aim is to establish guidelines for governments to follow in promoting the well-being of the categories of agricultural workers concerned, and to assure them the greatest possible stability and security of work and livelihood. In order to achieve this it is recommended that governments should take measures to ensure that these workers have the main responsibility for managing their holdings, should provide them with assistance for the purpose and should facilitate their access to land.

The Recommendation then goes on to outline methods of attaining these objectives, including the enactment of special laws and regulations, where these do not already exist. It recommends that rent should be maintained at a level which, whilst promoting progressive husbandry, permits a fair return to both the parties and particularly a decent standard of living for the occupant. Moreover, the payment of rent should be reduced or postponed under certain unforeseen circumstances, such as crop failure or other disasters. Other clauses in this section concern measures for the protection of agricultural workers against the imposition of personal services by landowners; the creation of machinery for the speedy settlement of disputes; the drawing up of contracts between the two parties, preferably in writing or conforming to a model contract, and containing certain specified particulars; the conditions under which the landowner may terminate a contract before its expiry; the occupant's right of pre-emption over the holding in case of its sale by the landowner; and so forth.

Finally, the Recommendation deals with the complementary facilities that should be made available to the agricultural workers concerned,

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<sup>1</sup> For example by the Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99) and Recommendation (No. 89) of 1951; and the Plantations Convention (No. 110) and Recommendation (No. 110) of 1958.

referring in particular to low-cost credit, education and vocational training, the development and strengthening of co-operatives, employment programmes for the fuller utilisation of rural labour, and social security and insurance schemes to cover these workers against loss of income resulting from calamities of various kinds.

### **Application of Conventions and Recommendations**

The Conference Committee on the Application of Conventions and Recommendations carried out its annual review of the measures taken by member States to fulfil their obligations under the I.L.O. Constitution with respect to international labour standards, and in particular to the Conventions they have ratified. As usual it based its considerations on the reports and information supplied by governments and the report submitted on the subject by the standing Committee of Experts on the Application of Conventions and Recommendations.

The Committee stressed the particular significance in this International Year for Human Rights of its task of supervising the application of I.L.O. standards, which related for the most part and in a more detailed manner to the very rights enshrined in the Universal Declaration of Human Rights of 1948 and the International Covenants on Human Rights of 1966. The I.L.O. system of supervision of which the Committee was an important element, and which was without any doubt the most advanced in the organisations of the United Nations family, could play an important role in the application of the Covenants, and particularly of the Covenant on Economic, Social and Cultural Rights, which provided specifically for collaboration of this type.

The I.L.O.'s supervisory machinery is constantly adapting itself to the demands made upon it. In 1967, when reviewing its methods of work on the occasion of the fortieth anniversary of its foundation, the Committee of Experts had suggested that more direct contacts might be developed with governments in certain cases where the customary procedure, based upon the study of reports and legislative texts, had not led to satisfactory results and where prolonged controversies might simply lead to a deadlock. This year, in response to the Conference Committee's request for more detailed proposals, the Committee of Experts had outlined in broad terms how its suggestions might be put into practice. Thus it had proposed that direct contacts might be established where sufficiently important divergences were involved, in all cases with the complete prior agreement of the governments concerned and on questions clearly determined in advance; they should bring together persons fully informed of all aspects of the question and having the requisite authority; and a representative of the International Labour Organisation, designated by the Director-General, might go to the country involved if the government agreed. These contacts would in no way limit the functions

and responsibilities of the Committee of Experts or of the Conference Committee but were aimed at permitting both the governments concerned and the supervisory bodies to review the situation and find a satisfactory solution. On the basis of these proposals a very broad consensus emerged in the Committee that direct contacts should now be initiated on an experimental basis for a period of two to three years.

Within the context of the International Year for Human Rights, the attention of member States was drawn to the need for wider ratification of the Conventions directly relating to human rights, and in particular of the Discrimination (Employment and Occupation) Convention, 1958.

As concerns technical co-operation activities relating to I.L.O. standards the Committee noted with satisfaction that the organisation of seminars for labour officers in various parts of the world had now become a well-established practice. In addition, a study course on international labour standards had been held, immediately prior to this year's session of the Conference, for Workers' delegates and advisers.

The Committee had before it supplementary information or explanations submitted by 55 governments concerning the measures they had taken to fulfil their obligations under the I.L.O. Constitution or under Conventions they had ratified. In accordance with established practice it decided to draw the attention of the Conference in its report to cases where governments apparently encountered serious difficulties in discharging certain of their obligations. It was emphasised, as in previous years, that this procedure was not to be construed as amounting to a sort of sanction but constituted in fact an effort to contribute to a solution of the problems encountered. The number of cases where governments had modified their legislation or practice following comments made by the supervisory bodies had in fact increased appreciably compared to previous years, and the Committee of Experts had been able to list in its report almost 100 cases where progress had been made in 51 countries during the previous 12 months.

The Committee devoted two sittings to a discussion of the general survey of forced labour made by the Committee of Experts on the basis of reports concerning the application of the Forced Labour Convention, 1930, and the Abolition of Forced Labour Convention, 1957.<sup>1</sup> The discussion highlighted the relationship between the abolition of forced labour and other fundamental human rights, particularly the right to work and those relating to freedom of association as embodied in I.L.O. standards. Considerable changes had occurred since the previous survey of forced labour made by the Committee of Experts in 1962. The former

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<sup>1</sup> Part Three of the *Report of the Committee of Experts on the Application of Conventions and Recommendations* (International Labour Conference, 52nd Session, Report III (Part 4) (I.L.O., 1968)). This survey is also available separately as *Forced labour. General survey on the reports concerning the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105) (I.L.O., 1968)*.

“colonial-type” forms of forced labour, at which the Convention of 1930 had primarily been aimed, had further declined in importance. Much practical experience had been gained by countries, enabling them to clarify the objects and methods of their employment programmes. The I.L.O. itself, after detailed research, envisaged new standards on the vital question of special youth employment and training schemes and had placed this item on the agenda for the 1969 Session of the Conference.

Particular concern was expressed by the Workers’ members regarding certain cases where governments had extremely wide powers to conscript labour, in some instances for private employers as well as for public purposes. It might be wondered how far these powers might be used as a means of pressure to get workers to accept particular jobs or particular conditions of employment, or as a means of intimidation or discrimination. Various members also observed that recourse to call-up under emergency laws should be confined to true cases of emergency, in which the existence or well-being of the whole or part of the population was endangered.

As concerns legislation imposing a general obligation to work on all able-bodied citizens, certain members stated that in socialist countries there was a sacred obligation to work laid down in the Constitution, which was a counterpart to the citizen’s right to work. There was no question, however, of imposing a particular type of work. The obligation to work could also be found in the constitutions of certain other countries. The Workers’ Vice-Chairman, Mr. Cool, whose views were shared by a large proportion of members of the Committee, stated that the right to work was derived from the principle that man had the right to life and, in order to live, must work; the right to work should be guaranteed in the framework of the standards laid down by the I.L.O., and the State should not impose the obligation to work. He re-emphasised that man was not in the service of the State, but that the State was in the service of man. In this connection it was noted that according to the Committee of Experts, as long as the duty to work was only a moral or philosophical obligation, there was no violation of the Conventions in question, but where the application of this concept involved concrete legal obligations, problems arose.

Attention was also drawn to the special problems faced by developing countries. Several members from African countries stated that their people had been subjected to forced labour during the colonial era, knew its ill effects, and were determined to fight for its abolition throughout the world. It was pointed out that the measures taken with a view to ensuring the participation of all citizens in the economic and social development of their country were aimed at education, social promotion and vocational training.

As regards youth training schemes, the Workers’ members pointed out that I.L.O. standards admitted the possibility of requiring young

persons to undergo training with a view to finding a useful place in their country's economy, but this did not mean that they could be looked upon as so many labour units available for state purposes. The importance was emphasised of seeking solutions to the problems in question, within the framework of the Conventions of 1930 and 1957. The Employers' members, who likewise welcomed the further action that the I.L.O. was taking in this sphere, expressed their support for youth schemes, whose purpose should be to provide training, recruitment being on a purely voluntary basis. It was suggested in this connection that the discussions scheduled to take place at the Conference in 1969 were likely to permit the clarification of the principles that should be taken into account in connection with the use of military conscripts for civilian purposes and the obligations of service imposed on those who had completed certain kinds of studies. The majority of the Workers' members considered that this was a growing problem and that, while the degree of a country's social and educational development might have to be taken into account in considering the justification for measures of this kind, it should not be forgotten that the right to education was a fundamental human right, which should not be subject to any condition involving forced labour.

As regards forced labour as a means of political coercion or education or as a punishment for views, for breaches of labour discipline or for going on strike, the Workers' members observed that when civil liberties such as freedom of expression, of meeting and of association were denied or infringed, workers would be among the first to suffer in their attempts to organise in defence and furtherance of their interests. In regard to the questions of labour discipline and strikes, the Workers' members noted that the Abolition of Forced Labour Convention, 1957, merely protected workers against forced or compulsory labour as a punishment, but that considerable protection was afforded by the terms of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and by the case law of the Committee on Freedom of Association set up by the Governing Body of the I.L.O. It was for this reason that the Workers' members insisted on the importance of countries' ratifying Convention No. 87. As regards labour discipline, they observed that it might be desirable to consider the possibility of new I.L.O. standards. As concerns penal labour, the Workers' members expressed their concern at the fact that there were still so many cases where the provisions of the Forced Labour Convention, 1930, were not respected—for example where such labour could be imposed even in the absence of any conviction or by decision of non-judicial authorities, or where prisoners could be hired out to private employers.

Within the context of the International Year for Human Rights, the Committee suggested that every government should examine the short-

comings that might exist in its own country in regard to the implementation of the standards relating to the abolition of forced labour. The objective of the Conventions in question is that all men should be free from compulsion in their work and from coercion through forced or compulsory labour in industrial relations and in the exercise of their rights as citizens. The concept of freedom from forced or compulsory labour embodied in these Conventions was not a negative one but presupposed the development of opportunities for all to participate fully and responsibly in the economic, social and political life of their community. To secure an unambiguous commitment to this objective, the Committee appealed to all countries not yet bound by the two Conventions of 1930 and 1957, already widely ratified, to consider their ratification and acceptance at the earliest possible moment.

The Committee re-emphasised, in conclusion, the particular significance during this International Year for Human Rights of effective supervisory procedures for the implementation of international instruments and stressed its appreciation of the spirit of co-operation shown by numerous governments and the steps they had taken in order to ensure better compliance with their obligations.

### **Labour inspection in agriculture**

In Part I of his Report to the 48th (1964) Session of the International Labour Conference, the Director-General of the I.L.O. drew attention to the absence of international standards providing for labour inspection in agriculture. "Labour legislation without inspection", he said, "is an essay in ethics rather than a binding social discipline."<sup>1</sup> In fact, in recent years many countries have adopted legislation extending the scope of existing regulations and broadening the content of special protective measures for agricultural workers, and such legislation has highlighted the need for comprehensive measures to ensure the effective application and supervision of the regulations laid down.

The existing international labour Conventions on labour inspection either cover industry and commerce only, like the Labour Inspection Convention, 1947, or apply to a limited category of agricultural undertakings, like the Plantations Convention, 1958. It was in particular in order to close this gap in the International Labour Code that the Governing Body decided to include the question of labour inspection in agriculture in the agenda of the 52nd Session of the International Labour Conference.

At the Conference a Committee on Labour Inspection (Agriculture) was set up to examine the question. This Committee held a general

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<sup>1</sup> *Programme and structure of the I.L.O., with guidelines for the discussion in 1964*, Report I (Part I), International Labour Conference, 48th Session, 1964 (Geneva, I.L.O., 1964), p. 168.



discussion and then considered the draft conclusions prepared by the Office on the basis of the replies of governments to a questionnaire sent out earlier with its preliminary report.

In the course of the general discussion it was recognised that there was an urgent need to improve the situation of agricultural workers and to ensure that they enjoy conditions similar to those of other workers; this was one of the principal means of stopping the rural exodus. Mention was also made of the need to bear in mind, when formulating international instruments, that technical progress in agriculture involves increased risks for the workers' health and safety.

Although some members of the Committee were inclined, in view of the nature of agricultural employment, to give preference as regards labour inspection in agriculture to the adoption of a Recommendation only, the majority expressed themselves in favour of a Convention supplemented by a Recommendation. Several members considered that the new Convention should, at least to some extent, follow the model of the Labour Inspection Convention, 1947, which had been ratified by 70 countries and had proved very effective. Much stress was also laid on the need for a Convention flexible enough to facilitate ratification, in view of the great variety of social and economic conditions prevailing in agriculture in the different countries. Several members from the developing countries stressed that the instrument should not require countries with an efficient general labour inspection department to set up a special inspection service for agriculture alone.

The Committee agreed that the proposed international instruments should take the form of a Convention supplemented by a Recommendation, the main features of which are summarised below.

The proposed Convention on labour inspection would cover undertakings pursuing any form of agricultural activity in which employees or apprentices are engaged, however they may be remunerated, and whatever the type, form or duration of their contract. In addition, member States ratifying the Convention would be free to accept or not to accept the obligation of applying the Convention also to one or more of the following categories of workers: tenants who do not employ labour, share-croppers and similar categories of workers; persons participating in the management of a collective economic enterprise, such as members of a co-operative; and members of the family of the operator. Member States ratifying the proposed Convention would undertake to maintain a system of labour inspection in agriculture; however, taking into account the great variety of administrative practices in the different countries, the conclusions propose that it should be left to the discretion of governments to decide whether inspection would be carried out by a single labour inspection department responsible for all sectors of economic activity or by a specialised agricultural inspection service.

The rest of the proposed Convention broadly follows the provisions of the Labour Inspection Convention, 1947, but includes provisions taking account of new developments and the special situation in certain countries and in agriculture in general. For example, as in the Convention of 1947, it is provided that the inspection staff should be composed of public officials; however, in order to facilitate ratification by the largest possible number of countries, the conclusions propose that Members should be allowed to include in their system of labour inspection in agriculture officials or representatives of occupational organisations, whose activities would supplement those of the public inspection staff.

A prolonged discussion took place as regards the proposed provisions that inspectors should have the right to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection and to enter by day any premises which they may have reasonable cause to believe to be liable to inspection—provisions which exist in the same form in the Convention of 1947. In particular, it was stated that, because of the special conditions prevailing in agricultural undertakings, such a right would permit labour inspectors in agriculture to penetrate freely into the farmer's private home, and this was objected to by many. Taking these objections into account, the Office intends to include in the text to be presented to the Conference for discussion next year a provision making it clear that the right of entry into a private home cannot be exercised otherwise than in severely limited circumstances.

The conclusions further provide that on the occasion of an inspection visit, inspectors should notify of their presence not only the employer or his representative but also the workers or their representatives.

As regards provisions designed to take into account additional risks to the workers' health and safety created by the increased use in agriculture of new machinery and noxious chemicals, the conclusions provide that the labour inspection service in agriculture should be associated in the preventive control of new plant and new methods of handling or processing products that appear likely to jeopardise health and safety; that inspectors should immediately make known to the employer and the representatives of the workers any defects noted by them when visiting the undertaking and the action they intend to take in this respect; and that they should be associated with any on-the-spot inquiry into causes of the most serious occupational accidents.

The conclusions with a view to the adoption of a Recommendation supplement the proposed Convention as regards such matters as the following: the further functions that might be entrusted to labour inspectors in agriculture, including, on an exceptional and temporary basis, the function of conciliator; the qualifications inspectors in agriculture should possess as regards education, training and practical experience; additional matters to be included in the annual report published by the central inspection authority; and education campaigns member States

should undertake to inform the parties concerned of the applicable legal provisions and of the risks to life and health in agricultural undertakings and the means of avoiding them.

The Conference adopted by 191 votes to 32, with 47 abstentions, Point 1 of the proposed conclusions, which states that the international instruments should be in the form of a Convention supplemented by a Recommendation. There being no objection, the conclusions as a whole were then also adopted.

These conclusions, cast in the form of a proposed Convention and a proposed Recommendation, have since been transmitted to governments for further study and comments. Their views will be taken into account in the preparation of amended texts to be submitted to the Conference as a basis for its second discussion of the question at its 53rd Session in 1969.

### **Revision of Conventions Nos. 24 and 25 concerning sickness insurance**

When the I.L.O. was created in 1919 certain goals were set for it by its Constitution, one of which was "the protection of the worker against sickness". At that time social insurance had not yet won wide support throughout the world, so the I.L.O. first set itself the task of establishing international standards in this field. As regards sickness insurance, it was decided at the Tenth Session of the International Labour Conference, in view of the special material difficulties in agriculture, to adopt two analogous Conventions on the subject, one to be applicable in industry and commerce and the other in agriculture, in order to permit ratification by member countries which had schemes for industrial workers but had not yet been able to extend protection to workers in agriculture. Accordingly, it adopted the Sickness Insurance (Industry) Convention, 1927 (No. 24), and the Sickness Insurance (Agriculture) Convention, 1927 (No. 25), as well as the Sickness Insurance Recommendation, 1927 (No. 29).

Following the emergence of the broader concept of "social security", designed, on the one hand, to meet the aspirations of workers determined never again to suffer the hardships they had endured during the crisis of the 1930s and, on the other, to reflect the significant changes that had taken place during the Second World War, the Conference adopted the Income Security Recommendation, 1944 (No. 67), and the Medical Care Recommendation, 1944 (No. 69). The former dealt with cash sickness benefits among other matters, and the latter with the medical services to be provided in order to meet the need of the individual for care by members of the medical and allied professions and for such other facilities as are provided at medical institutions:

- (a) with a view to restoring the individual's health, preventing the further development of disease and alleviating suffering, when he is afflicted by ill health (curative care); and
- (b) with a view to protecting and improving his health (preventive care).

These Recommendations reflected various national and international plans that had been elaborated before and during the Second World War and gave expression to the emerging concepts of comprehensive protection in contingencies involving loss of earnings and the need for medical care to protect the health of workers and their families. Moreover, these new ideas regarding social security, which had led to the adoption of Recommendations Nos. 67 and 69, were given comprehensive expression for the first time in the Social Security (Minimum Standards) Convention (No. 102), 1952.

Finally, the great changes in social security theory and practice since the Second World War led the Conference to adopt in 1962 a resolution concerning the expansion of the I.L.O.'s activities for the advancement of social security. In this resolution, after drawing attention to the need to adapt the social security Conventions to modern developments, the Conference invited the Governing Body of the I.L.O. to place the revision of some of these Conventions on the agenda of forthcoming sessions of the Conference.

The first stage in the systematic revision of the pre-war social security instruments ended with the adoption by the Conference of the Employment Injury Benefits Convention, 1964 (No. 121) and Employment Injury Benefits Recommendation, 1964 (No. 121), and the second stage with the adoption of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128) and Invalidity, Old-Age and Survivors' Benefits Recommendation, 1967 (No. 131).

The third stage was the revision of Conventions Nos. 24 and 25 concerning sickness insurance, which the Governing Body decided to place on the agenda of the 52nd Session of the Conference for first discussion.

On the proposal of the Committee on Social Security set up to examine the question in detail, the Conference adopted preliminary conclusions as to the content of a Convention, to be supplemented by a Recommendation.

For the proposed Convention, the conclusions suggest that it should apply to both industry and agriculture, although any member State whose legislation protects employees should be able to exclude temporarily from the application of the Convention employees in the agricultural sector who, at the time of ratification, are not yet protected by legislation which is in conformity with the standards of the Convention.

The proposed conclusions provide for coverage of the following contingencies: (a) need for medical care of a curative or preventive nature, and (b) incapacity for work resulting from a morbid condition and involving suspension of earnings.

As regards the definition of the persons to be protected, the conclusions provide, in the case of each contingency, for a choice between three alternatives, i.e. coverage extended to all employees, coverage of pre-

scribed classes of the economically active population, or coverage of prescribed classes of residents. Were appropriate, the wives and children of insured persons would also be covered. Member countries whose economy and medical facilities are insufficiently developed would be authorised to avail themselves of temporary exceptions from the application of the provisions relating to persons to be protected.

The conclusions propose that benefits should include medical care of a curative or preventive nature and cash sickness benefit. The right to medical care, which should also be available to the wives and children of protected persons, may be made conditional upon the fulfilment of a qualifying period, which should not, however, be so long as to deprive of the right to benefit persons who would normally be covered. Beneficiaries may be required to share in the cost of medical care so long as the rules concerning cost-sharing are designed in a way that will avoid hardship and will not prejudice the effectiveness of medical and social protection. Medical care should be granted for as long as the contingency lasts. Developing countries would be authorised to avail themselves of temporary exceptions as concerns the extent of medical care.

The conclusions respecting cash sickness benefit refer to a standard beneficiary, defined as being a man with a wife and two children. The rate of the benefit for a standard beneficiary should not be less than 50 per cent. of his wage or earnings. While in principle the cash sickness benefit should be payable throughout the contingency, it might be limited to not less than 26 weeks in each case of incapacity.

For the Recommendation, the conclusions provide that member States should extend the application of their legislation concerning medical care and cash sickness benefits to persons whose employment is of a casual nature and to all economically active persons, together with their wives and children. The Recommendation would broaden the range of contingencies covered and ease the conditions in which benefits are granted. In addition it would call for a higher rate of benefit than that provided for in the Convention.

The texts of a proposed Convention and a proposed Recommendation based on these conclusions have, since the session of the Conference, been sent to governments for comment. These comments, when received, will be taken into consideration in the preparation of amended texts to serve as a basis for a second discussion by the Conference at its 53rd Session in 1969.

### **Resolutions on questions not included in the agenda of the Conference**

The Conference adopted five resolutions on various questions not included in its agenda.

In the first of these, "concerning action by the International Labour Organisation in the field of human rights and in particular with respect

to freedom of association", it urgently requested all governments of member States to co-operate fully in strengthening the activities of the I.L.O. in regard to human rights and to freedom of association; condemned all discriminatory practices, colonial oppression, denial of freedom of association and all other infringements of human rights, calling upon member States to take immediate steps to eliminate such injustices; requested the Director-General of the I.L.O. to submit a report to its next session on the steps taken by member States to eliminate such violations of human rights; and invited the Governing Body of the I.L.O. to envisage a number of measures designed to widen and strengthen the I.L.O.'s activities in the field of human rights.

Solemnly reaffirming the principle of equality of rights and opportunities without discrimination based on sex, embodied in the I.L.O.'s Constitution, and emphasising that equality of treatment between men and women with regard to vocational preparation is a precondition for the improvement of the situation of women on the labour market, the Conference adopted a resolution "concerning the vocational preparation of girls and women", in which it invited the Governing Body of the International Labour Office to include this question in the agenda of an early session of the Conference, with a view to supplementing the Vocational Training Recommendation, 1962, in order to promote equal treatment between male and female workers.

A third resolution, "concerning the outflow of trained and highly qualified personnel from developing countries", called upon the I.L.O. to undertake studies of all the aspects and factors involved in this problem and to submit their conclusions to the Governing Body of the I.L.O., together with recommendations on the action that should be taken in this respect by the I.L.O. and by the countries concerned.

In a fourth resolution, "concerning promotion of adequate national institutional arrangements, particularly the association of workers' and employers' organisations, in relation to technical co-operation activities of the International Labour Organisation at national, regional and international levels", the Conference invited the Governing Body of the I.L.O. to take a number of steps to ensure the closer association of employers' and workers' organisations with the technical co-operation work of the I.L.O.

Finally, in a resolution "concerning disabled workers" the Conference called for studies with a view to the possible revision of the Vocational Rehabilitation (Disabled) Recommendation, 1955, or the possible adoption of a new international instrument concerning disabled workers and covering in particular the right of disabled workers to rehabilitation, the appropriate adaptation of national employment policies and of jobs in undertakings to the needs of disabled workers, the development of specific vocational rehabilitation facilities, the grant of assistance for vocational rehabilitation and of guaranteed means of

subsistence, and the provision of means to ensure that disabled workers when rehabilitated should not be discriminated against by reason of their former disability.

## **Human rights**

Part 1 of the Director-General's Report to the Conference<sup>1</sup>, which had also been submitted to the International Conference on Human Rights, held under the auspices of the United Nations in Teheran in May 1968, was entitled "The I.L.O. and human rights". Part 2 of the Report contained, as usual, an account of the activities of the I.L.O. in the preceding year—1967.

The discussion of the Director-General's Report served in particular to mark the I.L.O.'s full support for all international action taken in 1968—the International Year for Human Rights—to attain the objectives of the Universal Declaration of Human Rights. The 237 speakers who took part in the discussion concentrated very largely on the contribution the I.L.O. had made to the protection and extension of the human rights proclaimed in the Declaration of Philadelphia. Most of the speakers paid tribute to the work the I.L.O. had done in this field—through its standard-setting activities, through its action to supervise the application of these standards and through its technical co-operation programmes. They also stressed the continuing pertinence and vitality of the rights and freedoms proclaimed in the I.L.O.'s constitutional texts, particularly in view of the gap that still exists between the formal acceptance by the I.L.O.'s member States of human rights standards and the extent to which these rights are effectively enjoyed. There was, therefore, a general feeling that the I.L.O. should intensify its efforts, in close collaboration with the United Nations and with other organisations in the United Nations family, in order not only to ensure a more universal acceptance of the I.L.O.'s human rights standards but also to create the conditions in which such rights could be more widely enjoyed.

In this connection a large number of speakers referred to the relationship between the level of economic development and the enjoyment of human rights, pointing out that failure to provide free and humane conditions of labour was not necessarily due to perverseness on the part of the country in question; on the contrary, it was often due to poverty and lack of resources.

On the other hand, certain speakers stressed that there was no direct correlation between levels of prosperity and the degree of enjoyment of human rights and that there was a danger that preoccupation with

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<sup>1</sup> *Report of the Director-General, Report I, International Labour Conference, 52nd Session, 1968 (Geneva, I.L.O., 1968), Part 1: The I.L.O. and human rights; Part 2: Activities of the I.L.O., 1967.*

development, industrialisation and material progress might relegate human rights to a secondary place in society's priorities. Material progress, though essential, should not be achieved at excessive human cost; as progress was achieved in creating greater material and economic prosperity, so this prosperity should be used to broaden the scope of individual rights and freedoms. Finally, some speakers insisted that human rights needed to be matched by the acceptance of social obligations and responsibilities by all members of society. Without this sense of duty rights and freedoms could never be effectively enjoyed.

In his reply to the discussion the Director-General recalled these different points that had been made, and welcomed the fact that, on the occasion of the International Year for Human Rights, the Conference should have reaffirmed the I.L.O.'s attachment to the objectives and principles embodied in its Constitution. He stressed that, while the I.L.O. should continue to concentrate its efforts on assisting its member States to lay the foundations of a prosperous, modern economy, in order to create the material conditions in which the I.L.O.'s principles could become a reality for all men, it needed to undertake a more integrated programme of action in the field of human rights, with the aim of injecting into every field of the I.L.O.'s activities a greater awareness of the need to promote human rights. The I.L.O. needed, he said, to plan its action according to the contribution that it could make to widening opportunities for the free exercise of individual rights and for the free development of the individual personality. He undertook to submit to the Governing Body proposals for a programme of this nature, which would be closely co-ordinated with the action of other organisations—particularly the United Nations and the United Nations Educational, Scientific and Cultural Organisation (U.N.E.S.C.O.)—in this field.

The Director-General then went on to emphasise that one of the basic reasons for the lack of enjoyment of human rights in many countries was that too much emphasis was being placed on material development and too little on a spiritual or ethical development that enabled man to accept and live at peace with his neighbour. In this connection he referred to two basic problems that illustrated this point—the growing unrest of youth and the increasing tensions arising out of the relations between different racial, cultural and ethnic groups.

As far as youth was concerned, he felt that the current wave of unrest was due to the fact that young people were not being prepared adequately to exercise their rights and duties in society and that they lacked opportunities to develop their personalities and give expression to their views and aspirations for a new social order. He proposed to examine, with the Director-General of U.N.E.S.C.O., the ways in which the two organisations might jointly examine and deal with the reasons for this unrest.



Turning to the problem of relations between different races and cultures, he noted that this problem was increasingly becoming the cause of violence and unrest and was in many areas threatening to assume alarming proportions. This was, he said, a problem of frightening complexity, deeply rooted in human attitudes, prejudices, fears and emotions, which called for action at the international as well as the national level. He would put specific proposals to the Secretary-General of the United Nations and the Director-General of U.N.E.S.C.O. for a joint co-ordinated programme of action to attack the roots of this very difficult problem. It needed to be tackled not only by declarations condemning discrimination but also by a positive programme consisting of research, educational, normative and operational action, in which the I.L.O., by virtue of its mandate and its tripartite structure, would have a key role to play.

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